

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Veroblue Farms USA, Inc.,

Plaintiff,

—v—

Leslie A. Wulf, *et al.*,

Defendants.

19-mc-375 (AJN)

ORDER

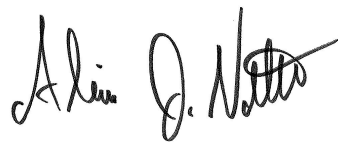
ALISON J. NATHAN, District Judge:

In its January 30, 2020 order, the Court stayed this action pending resolution of motions to dismiss in the underlying Texas action. On June 11, 2020 Canaccord Genuity submitted a letter informing the Court that the Texas court had severed the claims against Canaccord and transferred them to this District. They are now pending before Judge Gardephe in No. 20-cv-4394. In its letter, Canaccord requested that the Court dismiss this action as duplicative. As of the date of this order, VeroBlue Farms has not responded to Canaccord's letter.

As the Court noted in its previous order, "subpoenas under Rule 45 are clearly not meant to provide an end-run around the regular discovery process under Rules 26 and 34." *See Burns v. Bank of Am.*, No. 03-cv-1685, 2007 U.S. Dist. LEXIS 40037, at *46 (S.D.N.Y. June 4, 2007); *see also Forsythe v. Midland Funding LLC*, Case No. 18-cv-3276, 2019 U.S. Dist. LEXIS 8568, at *5 (E.D.N.Y. Jan. 17, 2019). There is no reason why the issues raised in this matter should be litigated separately from the regular discovery process. Accordingly, VeroBlue's motion to compel is denied without prejudice. The Clerk of Court is respectfully directed to close this matter.

SO ORDERED.

Dated: June 25, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge